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**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JAMES THOMAS TURNER,**  
**Plaintiff**

**CIVIL ACTION NO. 3:16-0269**

**(Judge Mannion)**

**v.**

**J. TUTTLE, et al.**  
**Defendants**

**(Electronically Filed**

**MOTION FOR ENLARGEMENT OF TIME**

The United States<sup>1</sup> requests a forty-five-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to respond to the Complaint.

In support thereof, the United States states the following:

1. Plaintiff James Thomas Turner is a federal inmate confined at the United States Penitentiary in Lewisburg, Pennsylvania (USP Lewisburg. (Doc. 1).
2. Turner initiated this civil rights lawsuit on February 16, 2016, alleging excessive force claims against two named and four

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<sup>1</sup> This motion is submitted by the United States because the United States Attorney's Office has not yet received approval from the Department of Justice to engage in an attorney-client relationship with the Defendants as is required by 28 C.F.R. § 50.15(a).

unnamed staff members at USP Lewisburg for an incident that occurred on June 24, 2015. (Id.)

3. Turner seeks compensatory damages in the amount of \$10,000.00 and punitive damages in the amount of \$5,000.00 from each Defendant. (Id.)
4. The Clerk of Court served the named Defendants on March 14, 2016, and therefore, a response to the Complaint is currently due by May 13, 2016. Fed. R. Civ. P. 12(a)(2)-(3).
5. The Code of Federal Regulations provides, in pertinent part, that  

a federal employee ... may be provided representation in civil, criminal, and Congressional proceedings in which he is sued, subpoenaed, or charged in his individual capacity, . . . when the actions appear to have been performed within the scope of the employee's employment and the Attorney General or his designee determines that providing representation would otherwise be in the interest of the United States . . .

28 C.F.R. § 50.15(a)

6. Section 50.15(a) sets forth the procedures for obtaining representation by a Department of Justice attorney such as the undersigned. In the instant case, the Legal Department staff at the BOP submitted requests for representation for each of the Defendants to the Civil Division of the United States Department

of Justice in Washington, D.C., but has not yet received approval.

Id.

7. Justice Department attorneys are unable to undertake a full and traditional attorney-client relationship with the employees until their representation is approved by the Civil Division.
8. The United States Attorney's Office requires the assistance of agency counsel for the Bureau of Prisons to respond to the allegations in the amended complaint.
9. Agency counsel is in the process of investigating Plaintiff's claims, but requires additional time to provide the materials that the United States Attorney's Office requires to respond to the Complaint.
10. Therefore, the United States Attorney's Office asks the Court for a forty-five-day enlargement of time, until June 27, 2016 to respond to the Complaint.
11. Turner will not be prejudiced by the enlargement of time as he seeks only monetary damages and the additional time will allow Defendants to present a thorough response to Turner's claims.

12. No supporting brief is required with the submission of this brief.

M.D. Pa. Local Rule 7.5

13. Counsel certifies that he has not sought the concurrence of James Thomas Turner because he is a federal inmate, proceeding pro se.

WHEREFORE, the United States respectfully requests that the Court grant this motion for an enlargement of time.

Respectfully submitted,

PETER J. SMITH  
United States Attorney

s/D. Brian Simpson  
D. BRIAN SIMPSON  
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Date: May 13, 2016

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on May 13, 2016, served a copy of the attached

**MOTION FOR ENLARGEMENT OF TIME**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

James Thomas Turner  
Reg. No. 24839-076  
USP Lewisburg  
P.O. Box 1000  
Lewisburg, PA 17837

/s/ Cynthia E. Roman  
CYNTHIA E. ROMAN  
Paralegal Specialist